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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,102	02/11/2002	Shigeru Tokita		2739

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ALEXANDRIA, VA 22314

EXAMINER

TRAN, DZUNG D

ART UNIT PAPER NUMBER

2633

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/071,102

Applicant(s)

TOKITA ET AL.

Examiner

Dzung D Tran

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/11/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Specification***

1. Applicant's canceled claims 1-6 and 9-20 are acknowledged.
2. Figure 12 should be labeled "Prior Art".

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art in view of Miyazaki et al. U.S. patent no. 6,040,931.

Regarding claim 7, Prior Art in figure 12 of present application clearly shows an optical transmitter, for coupling to communication devices through an optical divider/coupler (page 3 of specification), having a source outputting a drive current (Figure 12, element 101 and page 1 of specification), a light-emitting element (Figure 12, element LD and page 1 of specification), for outputting an optical signal to an optical fiber coupled to at least one of the communication devices, that is driven by the drive current for generating an optical output signal and, a modulator (Figure 12, element 109 and page 1 of specification), controlling the supply and cutoff of the drive current to the light-emitting element in response to an external supplied light on/off signal (Figure 12, element data, clock signal and page 1 of specification). Prior Art further discloses a

Art Unit: 2633

flip flop circuit (same as claimed light emission cut off circuit) connected to the modulator 109 and a source voltage detector that monitors a source voltage (PD). Prior Art, figure 12 of present application differs from claim 7 of the present invention in that Prior Art does not specifically disclose a circuit for comparing if the detected source voltage is lower than a predetermined voltage, it will cut off the supply of the drive current to the light-emitting element. Miyazaki discloses a terminal station apparatus having an optical transmitter comprising: an judgment unit 24 and a shutdown circuit 26' for comparing a source voltage with a reference threshold voltage and if the detected source voltage is lower than the predetermined voltage, it will cut off the supply of the drive current to the light-emitting element (column 8, line 59 to col. 9, line 17). It would have been obvious to an artisan at the time of the invention was made to replace an auto power control circuit 102 of Prior Art, figure 12 of present application with a judgment unit 24 and a shutdown circuit 26' of Miyazaki in the transmitter of Prior Art figure 12 of present application in order to control the output of the transmitter, thus it will prolong the life and the efficiency of the laser.

In considering claim 8, Miyazaki et al. further disclose the shut off unit 26 having a switch circuit 66 that stops the supply of a drive current to the light emitting element if the monitored source voltage is lower than the predetermined voltage (column 8, line 59 to col. 9, line 17).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Noda et al. U.S. patent no. 5,900,959. Optical transmitter, optical communication system and optical communication method

b. Morita et al. U.S. patent no. 5,706,112. Light signal remote control apparatus and light signal level controlling method.

c. Tahara et al. U.S. patent no. 5,548,435. Optical transmitter

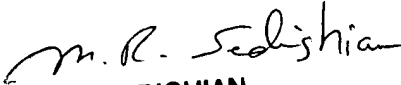
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dzung D Tran whose telephone number is (571) 272-3025. The examiner can normally be reached on 9:00 AM - 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2633

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DT  
11/02/2004

  
**M. R. SEDIGHIAN**  
**PRIMARY EXAMINER**